

FORM SUMMARY

Name of Form:	Order of Commitment for Treatment
Form Number:	CR-206
Statutory Reference:	§971.14(5), Wisconsin Statutes
Benchbook Reference:	CR 12
Purpose of Form:	To order defendant committed to the DHS for treatment of incompetency.
Who Completes It:	The court.
Distribution of Form:	Original to file; copies to district attorney, defense attorney, DHS, sheriff. A copy of complaint should also be sent to the examiners.
Accompanying Forms:	Most recent criminal complaint and examiner's report.
New form/modification:	Modification; last update 04/06.
Modification:	Changed Department of Health and Family Services to Department of Health Services (DHS).
Comments:	<p>In 2003, the U. S. Supreme Court decided <i>Sell v United States</i>, 539 U.S. 166, 123 S.Ct. 2147, 156 L.Ed.2d 197 (2003). The decision allows for the involuntary administration of anti-psychotic drugs to a defendant solely for the purpose of rendering the defendant competent to stand trial. This "standard" may be applied in instances where all of the criteria set out by the Court have been met. The defendant does not have to be dangerous and can be competent to refuse to take medication. The decision strongly suggests that these criteria be used ONLY in cases where other grounds (e.g. dangerousness) cannot be found as the basis for administration of these drugs.</p> <p>The decision further states that the administration of drugs under the <i>Sell</i> criteria should only be considered where "serious" crimes are involved. The Court does not define "serious crime" though it states that such crimes can be either against persons or property and must be of such a nature as to threaten the "basic human need for security." The crimes in <i>Sell</i> involved Medicare and mail fraud and threats to murder agents of the Federal Bureau of Investigation. The Court referred to Dr. Sell's offenses as "serious, but nonviolent, crimes."</p>
About this form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>